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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/742,171	12/19/2000	Steven Teig	SPLX.P0017	8567
48947	7590	01/13/2005		
STATTLER, JOHANSEN, AND ADELI LLP 1875 CENTURY PARK EAST SUITE 1050 CENTURY CITY, CA 90067			EXAMINER THOMPSON, ANNETTE M	
			ART UNIT 2825	PAPER NUMBER

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/742,171

Applicant(s)

TEIG ET AL.

Examiner

A. M. Thompson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 58-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 58-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 July 2001; 12 May 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Applicant's Supplemental Amendment and Response to Office Action has been considered and entered. Claims 58-75 are pending.

1. New grounds of rejection and claim informalities, outlined infra, preclude allowance of the instant application.

#### ***Claim Objections***

2. Claims 58-75 are objected to because of the following informalities: Pursuant to claim 58, at step a), line 2, after "graph", insert - -of a plurality of connection graphs- - to provide proper antecedent basis for claims 60 and 61; at step b), line 2, before "connection", insert - -at least one- -; after "graph", delete "or graphs"; at step c), line 3, after "placements", insert the type of placements for clarity, i.e. of slots ? of layouts?.

Pursuant to claim 62, "all optimal connection graphs" lack sufficient antecedent basis; Applicant should consider combining claim 63 (which provides the antecedent basis for optimal connection graphs) with claim 62 or rearranging the dependency so that claim 62 depends from claim 63. Pursuant to claim 64, at line 1, before "selection", insert - -at least one particular- -.

Pursuant to claim 67, at step a), line 2, after "graph", insert - -of a plurality of connection graphs- - to provide proper antecedent basis for claims 69 and 70; at step b), line 2, before "connection", insert - -at least one- -; after "graph", delete "or graphs"; at step c), line 3, after "placements", insert the type of placements for clarity, i.e. of slots ? of layouts?.

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Pursuant to claim 71, "all optimal connection graphs" lack sufficient antecedent basis; Applicant should consider combining claim 72 (which provides the antecedent basis for optimal connection graphs) with claim 71 or rearranging the dependency so that claim 71 depends from claim 72.

Claims dependent from objected to base claims are likewise objected to. Appropriate correction is required.

### ***Double Patenting***

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

4. Claims 58-75 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 28-37 of U.S. Patent No. # *not yet assigned* / 09/739,580, allowed 19 November 2004. Although the conflicting claims are not identical, they are not patentably distinct from each other. The scope of the claimed subject matter of claims 58-75 of the instant application is covered by claims 28-37 of patent number pending application 09/739,580. Claim 58 of the instant application covers the claims subject matter of claims 28, 31 and 32 of patent pending

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application 09/739,580 wherein the diagonal bends correspond to identified line paths. Similarly, claims 60, 61 of the instant application correspond to claims 29, 30 of the patent pending application 09/739,580.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure. Please reference the enclosed PTO-892 for a complete listing.

6. Any inquiry concerning this communication or earlier communications should be directed to Examiner A.M. Thompson whose telephone number is (571) 272-1909. The Examiner can usually be reached Monday thru Friday from 8:00 a.m. to 4:30 p.m..

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

7. Responses to this action should be mailed to the appropriate mail stop:

Mail Stop \_\_\_\_\_

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to:

(703) 872-9306, (for all **OFFICIAL** communications intended for entry)

A. M. Thompson  
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